REGISTERED No. M. 7463

# KERALA GAZETTE

## EXTRAORDINARY

## PUBLISHED BY AUTHORITY

Vol. VIII] Trivandrum, Thursday, 10th January 1963 / 20th Pausa 1884 [No. 7

L. A. Bill No. 4 of 1963

NOTIFICATION

No. 156|LA.4|63 . *Dated, Trivandrum, 10th January 1963.*

The following Bill together with the statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Legislature Secretariat,
Trivandrum.

D. TIRUMALAI,
*Secretary,*
*Legislative Assembly.*

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1963.

# THE KERALA APPROPRIATION BILL, 1963

*A*

*BILL*

*to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State of Kerala for the service of the financial year commencing on the first April 1962.*

**Preamble.**—Whereas it is necessary to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State of Kerala for the service of the financial year commencing on the 1st April 1962.

Be it enacted in the thirteenth year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Kerala Appropriation Act, 1963.

2. **Further appropriation out of the Consolidated Fund for the financial year commencing on the first April 1962.**—The State Government may appropriate out of the Consolidated Fund of the State of Kerala, for the financial year commencing on the 1st April 1962 a further sum not exceeding one hundred lakhs of rupees, being the moneys required to meet the Supplementary grant made by the Legislative Assembly as set forth in Column 3 of the Schedule.

THE SCHEDULE

| No. of Vote. | Service and purpose. | Amount to be appropriated | | |
|---|---|---|---|---|
| | | Voted by the Leg. Assembly. | Charged on the Consolidated Fund. | Total |
| (1) | (2) | (3) | (4) | (5) |
| | | Rs. | | |
| | B. Capital Expenditure outside the Revenue Account. | | | |
| LIV | Appropriation to the Contingency Fund. | 1,00,00,000 | | 1,00,00,000. |

## STATEMENT OF OBJECTS AND REASONS

The Bill is intended to provide for the appropriation out of the Consolidated Fund of the State of Kerala of the moneys required to meet the Supplementary Grant made by the Kerala Legislative Assembly for the financial year commencing on 1st April 1962.

R. SANKAR.

REGISTERED No. M. 7463.

# KERALA GAZETTE

## EXTRAORDINARY

## PUBLISHED BY AUTHORITY

Vol. VIII] Trivandrum, Thursday, 10th January 1963 / 20th Pausa 1884 [No. 8

## GOVERNMENT OF KERALA

**Law Department**

NOTIFICATION

No. 178-b.2|63|Law. *Dated, Trivandrum, 10th January 1963|20th Pausa 1884.*

The following Act of Parliament published in the Gazette of India Extraordinary Part II—Section 1 dated 20-12-1962 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 19th December, 1962.

By order of the Governor,
P. UNNIKRISHNA KURUP,
*Additional Law Secretary.*

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1963.

# THE PERSONAL INJURIES (EMERGENCY PROVISIONS) ACT, 1962

**An**

**ACT**

*to make provision for the grant of relief in respect of certain personal injuries sustained during the period of the emergency.*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Personal Injuries (Emergency Provisions) Act, 1962.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 26th day of October, 1962.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Act and the scheme;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Central Government to grant such certificates, to have been a member of that organisation at the time when the injury was sustained;

(3) "enemy" means—

(i) any person or country committing external aggression against India;

(ii) any person belonging to a country committing such aggression;

(iii) such other country as may be declared by the Central Government to be assisting the country committing such aggression;

(iv) any person belonging to such other country;

(4) "gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

(5) "period of the emergency" means the period beginning with 26th October, 1962, the date on which the Proclamation of Emergency under clause (1) of article 352 of the Constitution was issued and ending with such date as the Central Government may, by a notification in the Official Gazette, declare to be the date on which the emergency shall come to an end;

(6) "personal injury" means a physical or mental injury or a disease whether manifesting itself immediately or subsequently—

(a) caused by—

(i) the discharge of any missile (including liquid or gas or both), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(b) caused by the impact, on any person or property, of any enemy aircraft or any aircraft belonging to or held by any person on behalf of or for the benefit of the Government of India or any allied power, or any part of, or anything dropped from, any such aircraft; or

(c) caused by any explosion or fire which involves any explosives or munitions or other dangerous things, required for the purposes of defence against the enemy and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosive, munition or other dangerous things;

(7) "personal service injury", in relation to a civil defence volunteer, means any physical or mental injury, or a disease whether manifesting itself immediately or subsequently, shown to the satisfaction of the Central Government or other authority authorised to make payments under a scheme, to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time when the injury was sustained or the disease was contracted, and (except in the case of a personal injury) not to have arisen out of, and in the course of, his employment in any other capacity:

Provided that before being so satisfied, the Central Government or other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time when the injury was sustained or the disease was contracted, a report, by an officer of the organisation authorised by the Central Government to make such reports, about the injury or the disease in question;

(8) "scheme" means a scheme made under this Act.

3. *Power to make schemes for relief in respect of personal injuries and personal service injuries.*—(1) The Central Government may make a scheme or schemes in accordance with the provisions of this Act providing for the grant of relief in respect of the following injuries sustained during the period of the emergency, namely:—

(a) personal injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and

(b) personal service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Central Government or any authority authorised by the Central Government to make payments under the

scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured, diseased or disabled due to injuries or any disease—

(a) payments by way of temporary allowance, which shall be payable only so long as the person injured or diseased is incapacitated for work by the injury or disease and has not received any such payment as is mentioned in clause (b);

(b) payments otherwise than by way of temporary allowance, which shall be payable only where the injury or disease causes serious and prolonged or permanent disablement or death; and

(c) payments for the purchase of or the grant at the cost of Government of artificial limbs or surgical or other appliances and payments for medical and surgical treatment.

(3) A scheme may empower the Central Government to make regulations for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Central Government.

(6) Any decision of the Central Government or other authority empowered to make payments under a scheme as to the making, refusal of, amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied from time to time, by a subsequent decision of the Central Government or such authority, as the case may be, but save in so far as it is so varied shall be final and conclusive.

(7) Every scheme and every regulation made under a scheme, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or the regulation or both Houses agree that the scheme or the regulation should not be made, the scheme or the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme or the regulation.

4. *Relief from liability to pay compensation or damages.*—(1) In respect of a personal injury sustained during the period of the emergency by any person, and in respect of a personal service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section—

(a) would be payable under—

(i) the Workmen's Compensation Act, 1923 (8 of 1923), or

(ii) the Employees' State Insurance Act, 1948 (34 of 1948); or

(b) would, whether by virtue of any enactment or by virtue of any contract or any custom or usage having the force of law, be payable—

(i) in the case of a personal injury, by any person, or

(ii) in the case of a personal service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has any responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer,

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury or personal service injury, if—

(a) an application for a payment under a scheme has been duly made to the Central Government or other authority empowered to make payments under the scheme in respect of the injury; and

(b) the court or other authority before which the proceedings are brought, is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(c) the Central Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(d) the proceedings are commenced within one month from the date of the said certificate.

5. *Information as to earnings.*—(1) Where it is necessary, in order to determine the amount of any payment to be awarded under a scheme in respect of any personal injury or personal service injury, to ascertain the earnings of the person injured in respect of any period before he sustained the personal injury or the personal service injury, the Central Government or other authority authorised to make payments under the scheme may, by notice in writing, require—

(a) any person who was an employer of the injured person during that period; or

(b) any other person having any knowledge with respect to the financial circumstances of the injured person during that period,

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person—

(a) fails to comply with the requirements of any such notice, or

(b) in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation, or

produces any document which is false in a material particular or calculated to deceive,

he shall be punishable with fine which may extend to five hundred rupees.

6. *Medical attention in dispensaries and hospitals.*—(1) The person managing any dispensary or hospital shall, if so required by the Central or a State Government by General or special order,—

(a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply, when so required, with the provisions of this section, he shall be punishable with fine which may extend to one thousand rupees.

7. *Penalty for false statement.*—Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

8. *Assignments or charges to be void.*—Any assignment of, or charge on, and any agreement to assign or charge, any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.